

# Exhibit A

NAGEL RICE, LLP  
Bruce H. Nagel - 025931977  
103 Eisenhower Parkway  
Roseland, New Jersey 07068  
(973) 618-0400  
Pro Se Plaintiff

NAGEL RICE, LLP,

Plaintiff,

v.

TD BANK, N.A.,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ESSEX COUNTY  
DOCKET NO.:

Civil Action

**COMPLAINT AND JURY DEMAND**

Plaintiff, Nagel Rice, LLP (hereinafter "Nagel Rice," by way of Complaint against the Defendant, alleges and says:

#### **THE PARTIES**

1. Nagel Rice is a law firm located at 103 Eisenhower Parkway, Roseland, New Jersey 07068.

2. At all relevant times, Defendant, TD Bank, N.A. (hereinafter "TD Bank") is a banking institution and corporation authorized to do business in the State of New Jersey, with its principal place of business located at 1701 Route 70 East, Cherry Hill, New Jersey 08034.

#### **BACKGROUND**

3. Nagel Rice is a longstanding business client of TD Bank who at all relevant times had a branch in Roseland located at 47 Eisenhower Parkway, Roseland, New Jersey 07068.

4. On or about November 23, 2020, Nagel Rice received a cashier's check in the amount of \$148,950.00 from a purported client drawn from BBVA, USA (hereinafter "BBVA").

5. On the same day, Nagel Rice attempted to deposit the cashier's check into its account with TD Bank.

6. On or about November 25, 2020, Nagel Rice wired \$146,250.00 from Nagel Rice's TD Bank account to the purported client's bank account.

7. Thereafter, on or about December 1, 2020, Nagel Rice received a letter via regular mail dated November 25, 2020 from TD Bank advising, for the first time, that the cashier's check in the amount of \$148,950.00 bounced and had insufficient funds.

8. After receiving the letter from TD Bank on December 1, 2020, Nagel Rice's office manager spoke to "Solange" from the Roseland branch who informed the office manager that the cashier's check from BBVA was fraudulent, and that TD Bank received many prior fraudulent checks drawn from BBVA in the past.

9. Although TD Bank had knowledge that fraudulent checks were drawn from BBVA, prior to Nagel Rice's attempt to deposit the check, at no time did TD Bank notify its customer, Nagel Rice by phone, e-mail or other written correspondence to alert or warn Nagel Rice about such fraudulent checks.

10. In addition, at no time from November 23, 2020, until Nagel Rice received TD Bank's letter on December 1, 2020, did TD Bank notify Nagel Rice by phone, e-mail or other written correspondence or inform Nagel Rice that the cashier's check was fraudulent or had insufficient funds.

11. As a result of the foregoing, Nagel Rice sustained a loss of \$146,250.00. Despite a demand for reimbursement, TD Bank has refused to compensate Nagel Rice for their loss as a result of TD Bank's actions and negligence.

**FIRST COUNT**

**(NEGLIGENCE)**

12. Plaintiff repeats all preceding paragraphs of this Complaint as if set forth at length herein.

13. Defendant, TD Bank failed to exercise ordinary care in the handling, processing, and/or depositing of the cashier's check drawn from BBVA.

14. Based upon prior fraudulent checks received from BBVA, Defendant, TD Bank should have alerted or warned its customers, including Nagel Rice about such fraudulent checks that TD Bank received in the past.

15. Additionally, based on the history of said checks, Defendant, TD Bank knew or should have known that the cashier's check received by Nagel Rice was more likely than not a fraudulent check and should have alerted Nagel Rice immediately upon receipt

of the cashier's check.

16. As a direct and proximate result of the negligence, carelessness and recklessness of Defendant, TD Bank, the third-party offender was able to fraudulently receive funds from Nagel Rice's bank account and but for the negligence of TD Bank, the fraud would have never occurred.

17. In addition, TD Bank failed to exercise ordinary care in properly and timely notifying Nagel Rice that the cashier's check had insufficient funds.

18. As a direct and proximate result of the negligence, carelessness and recklessness of Defendant, TD Bank, to properly and timely notify Nagel Rice that the cashier's check had insufficient funds Nagel Rice wired the funds to the purported client. Had TD Bank not acted negligently, carelessly and/or recklessly, Nagel Rice would not have wired the funds to the purported client.

19. As a result of Defendant, TD Bank's negligence, carelessness, recklessness and failure to exercise ordinary care, Plaintiff has been damaged.

WHEREFORE, Plaintiff, Nagel Rice demands judgment against Defendant, TD Bank for compensatory damages, together with interest, attorneys' fees and such further relief as the Court deems equitable and just.

**SECOND COUNT**

**(BREACH OF CONTRACT)**

20. Plaintiff repeats all preceding paragraphs of this Complaint as if set forth at length herein.

21. Nagel Rice has maintained a contractual banking relationship with Defendant, TD Bank for many years, during which time, TD Bank has agreed to safeguard Nagel Rice's accounts.

22. By failing to warn Nagel Rice about past fraudulent checks drawn from BBVA and by failing to alert Nagel Rice in a timely manner that the cashier's check was fraudulent and/or had insufficient funds, Defendant, TD Bank breached the contractual relationship between the parties whereby TD Bank agreed to safeguard Nagel Rice's accounts.

23. As a direct and proximate result of the breach of Defendant, TD Bank, the third-party offender was able to fraudulently receive funds from Nagel Rice's bank account and but for the breach of TD Bank, the fraud would not have occurred.

24. As a result of Defendant, TD Bank's breach, Plaintiff has been damaged.

WHEREFORE, Plaintiff, Nagel Rice demands judgment against Defendant, TD Bank for compensatory damages, together with interest, attorneys' fees and such further relief as the Court deems equitable and just.

**JURY DEMAND**

A trial by jury is hereby demanded on all issues.

**DESIGNATION OF TRIAL COUNSEL**

Bruce H. Nagel, Esq. is hereby designated as trial counsel in the above captioned matter.

NAGEL RICE, LLP  
Attorneys for Plaintiff

By: *Bruce H. Nagel*  
BRUCE H. NAGEL

Dated: July 23, 2024

**RULE 4:5-1 CERTIFICATION**

I hereby certify the within action is not the subject matter of any other actions in this court or any other court. I further certify that the matter in controversy is not the subject of any arbitration proceedings.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

NAGEL RICE, LLP  
Attorneys for Plaintiff

By: *Bruce H. Nagel*  
BRUCE H. NAGEL

Dated: July 23, 2024

## Civil Case Information Statement

### Case Details: ESSEX | Civil Part Docket# L-005012-24

**Case Caption:** NAGEL RICE, LLP VS TD BANK, N.A.

**Case Initiation Date:** 07/23/2024

**Attorney Name:** BRUCE H NAGEL

**Firm Name:** NAGEL RICE LLP

**Address:** 103 EISENHOWER PKWY

ROSELAND NJ 07068

**Phone:** 9736180400

**Name of Party:** PLAINTIFF : NAGEL RICE, LLP

**Name of Defendant's Primary Insurance Company**  
(if known): None

**Case Type:** OTHER Negligence and Breach of Contract

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by:** NAGEL RICE, LLP? NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** YES

**If yes, is that relationship:** Business

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO  
Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

07/23/2024

Dated

/s/ BRUCE H NAGEL

Signed





# Exhibit B



# Financial Institution Search

Search for a financial institution by name or charter number. Visit the [Active Institutions](#) list to confirm that the Office of the Comptroller of the Currency (OCC) regulates your financial institution.

For more information about this search, please visit the [Financial Institution Search](#) homepage.

td bank

x

[Back to Search Results](#)

## TD Bank, National Association (24096)

Institution Information	
<b>Corporate Address</b> 2035 Limestone Road Wilmington, DE 19808	<b>Charter / License</b> 24096
<b>Status</b> Active	<b>Institution Type</b> National Bank
<b>Trust Bank</b> No	<b>Charter Date</b> 06/01/2000
<b>Total Assets (000's)</b> \$370,332,213	<b>Total Assets Date</b> 06/30/2024
<b>FDIC Insurance Status</b> Insured	<b>FDIC Certificate</b> 18409

**FRB RSSD**  
497404

**Legal Entity Identifier (LEI)**  
03D0JEWFDUFUS0SEEKG89

### Related Institutions

Hide 

**Institution Name:** [BANKNORTH, NATIONAL ASSOCIATION](#)  
**City, State:** PORTLAND, ME  
**Charter / License:** 24096  
**Status:** Inactive  
**Last Action:** 05/23/2005  
**Action Type:** CA

**Institution Name:** [Peoples Heritage Bank, N.A.](#)  
**City, State:** Portland, ME  
**Charter / License:** 24096  
**Status:** Inactive  
**Last Action:** 07/09/2001

## Community Reinvestment Act (CRA)



### [Other CRA Resources](#)

#### **Last CRA Rating**

Outstanding

#### **Date**

Jul 2, 2021

#### **Details**

[Evaluation Document](#)

### CRA Trend (Rating)

**Date:** 7/2/2021

**Outstanding:** 

**Satisfactory:**

**Needs to Improve:**

## Substantial Noncompliance:

## Enforcement Actions (EA)

### Most Recent Enforcement Actions

#### Individual:

Type\*: CMP  
 Amount: \$37,500,000.00  
 Start Date: 9/20/2013  
 Start Document: [2013-142](#)

#### Termination Date:

#### Termination Document:

#### [\\*Enforcement Action Types](#)

This search does not include actions against Institution Affiliated Parties (IAPs).  
 Launch EA search to find actions against individuals associated with this institution.

## Corporate Actions (CA)

### Corporate actions completed within the last 30 years

There is a five day delay between when an application is received and when it becomes viewable.

Date: [12/31/2021](#)  
 Type: Merger with Non-Bank - National Bank Survives  
 Application Number: 2021-LB-215a3-323355

**City, State:** Wilmington, DE

**Date:** 9/18/2017

**Type:** Business Combination - Non-Affiliate Merger

**Application Number:** 2016-NE-Combination-293512

**City, State:** Wilmington, DE

**Date:** 9/30/2010

**Type:** Business Combination - Affiliate Merger

**Application Number:** 2010-NE-02-0016

**City, State:** WILMINGTON, DE

### Corporate Action References

[Comptroller's Licensing Manual](#) - The Comptroller's Licensing Manual consists of a series of booklets that explain the OCC's policies and procedures on key licensing topics. The OCC recommends reading the booklet before accessing the sample documents.

[Weekly Bulletins](#) - The Weekly Bulletin is the record of receipt and actions taken by the OCC on applications and notices filed by national banks, federal savings associations, and federal branches and agencies.

### External Data Resources

#### Institution Searches

- [FDIC Institution Search](#)
- [National Information Center Institution Search](#)
- [FFIEC UBPR & Call Reports](#)

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# Exhibit C





SUPERIOR COURT OF NEW  
JERSEY  
LAW DIVISION:  
ESSEX COUNTY

Plaintiff  
NAGEL RICE, LLP

Defendant  
TD BANK, N.A.

vs

DOCKET NO. ESX-L-005012-24

**AFFIDAVIT OF SERVICE**  
(for use by Private Service)

Cost of Service pursuant to R4:4-30

\$ \_\_\_\_\_

Person to be served: TD BANK, N.A.

Address:  
1701 ROUTE 70 EAST  
CHERRY HILL NJ 08034

Attorney:  
NAGEL RICE  
103 EISENHOWER PARKWAY 1ST FLOOR  
ROSELAND NJ 07068

Papers Served:  
SUMMONS, COMPLAINT & CASE INFORMATION STATEMENT TRACK ASSIGNMENT NOTICE

**Service Data:**

Served Successfully ☒ Not Served ☐ Date: 7/27/24 Time: 11:30AM Attempts: 1

☐ Delivered a copy to him/her personally

Name of Person Served and relationship/title

☐ Left a copy with a competent household member over 14 years of age residing therein at place of abode.

Peter Lindquist

☒ Left a copy with a person authorized to accept service, e.g. managing agent, registered agent, etc.

MANAGING AGENT

**Description of Person Accepting Service:**

Age: 38 Height: 6'0 Weight: 190 Hair: Brown Sex: Male Race: Caucasian

**Non-Served:**

- ( ) Defendant is unknown at the address furnished by the attorney  
( ) All reasonable inquiries suggest defendant moved to an undetermined address  
( ) No such street in municipality  
( ) No response on: \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

( ) Other: \_\_\_\_\_ Comments or Remarks \_\_\_\_\_

Subscribed and Sworn to me this  
29th day of July, 2024

I, Elizabeth D. Aron, was at  
time of service a competent adult not having a direct  
interest in the litigation. I declare under penalty  
of perjury that the foregoing is true and correct.

Elizabeth D. Aron 7/29/24  
Signature of Process Server Date

Notary Signature

THOMAS D. ARON  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires 12/17/2024

DGR LEGAL, INC.  
1359 Littleton Road, Morris Plains, NJ 07950-3000  
(973) 403-1700 Fax (973) 403-9222

Work Order No. 723994  
File No. ESX-L-005012-24

NAGEL RICE, LLP  
Bruce H. Nagel – 025931977  
103 Eisenhower Parkway  
Roseland, New Jersey 07068  
(973) 618-0400  
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TD BANK, N.A.,

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – ESSEX COUNTY  
DOCKET NO.: ESX-L-5012-24

Civil Action

**SUMMONS**

From The State of New Jersey  
To The Defendant(s) Named Above: **TD BANK, N.A.**

The Plaintiff named above, has filed a Complaint against you in the Superior Court of New Jersey. The Complaint attached to this summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to Plaintiff's attorney whose name and address appear above, or to Plaintiff, if no attorney is named above.

A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief Plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: July 25, 2024

s/ *Michelle Smith*

MICHELLE SMITH

Clerk of the Superior Court

Name of Defendant to be Served: **TD BANK, N.A.**  
Address of Defendant to be Served: **1701 Route 70 East**  
**Cherry Hill, NJ 08034**

DEPUTY CLERKS OF THE SUPERIOR COURT

ATLANTIC COUNTY:

Lori Mooney, Clerk  
Civil Division, Direct Filing  
1201 Bacharach Blvd., First Fl.  
Atlantic City, NJ 08401  
*LAWYER REFERRAL*: (609) 345-3444  
*LEGAL SERVICES*: (609) 348-4200

BERGEN COUNTY:

Kathleen A. Donovan, Clerk  
119 Justice Center  
10 Main Street  
Hackensack, NJ 07601-7968  
*LAWYER REFERRAL*: (201) 488-0044  
*LEGAL SERVICES*: (201) 487-2166

BURLINGTON COUNTY:

Edward A. Kelly, Jr., Clerk  
First Fl., Courts Facility  
49 Rancocas Road  
Mt. Holley, NJ 08060  
*LAWYER REFERRAL*: (609) 261-4862  
*LEGAL SERVICES*: (609) 261-1088

CAMDEN COUNTY:

Michael S. Keating, Clerk  
First Fl., Hall of Records  
501 Fifth Street  
Camden, NJ 08103  
*LAWYER REFERRAL*: (609) 364-4520  
*LEGAL SERVICES*: (609) 364-2010

CAPE MAY COUNTY:

Angela F. Pulvino, Clerk (Law Division Filings)  
Box DN-209  
Cape May Courthouse, NJ 08210  
or  
(General Equity Filings)  
Box DN-209A  
Cape May Courthouse, NJ 08210  
*LAWYER REFERRAL*: (609) 463-0313  
*LEGAL SERVICES*: (609) 465-3001

CUMBERLAND COUNTY:

John G. Nardelli, Clerk  
Courthouse, Direct Filing  
Broad & Fayette Streets  
Bridgeton, NJ 08302  
*LAWYER REFERRAL*: (609) 452-5291  
*LEGAL SERVICES*: (609) 451-0003/935-8024

MORRIS COUNTY:

Alfonse W. Scerbo, Clerk  
CN-900, 30 Schuyler Place  
Morristown, NJ 07960  
*LAWYER REFERRAL*: (201) 267-5882  
*LEGAL SERVICES*: (201) 285-6911

OCEAN COUNTY:

M. Dean Haines, Clerk  
119 Court House, CN-2191  
Toms River, NJ 08754  
*LAWYER REFERRAL*: (908) 240-3666  
*LEGAL SERVICES*: (908) 371-2727

PASSAIC COUNTY:

William L. Kattak, Clerk  
Court House  
77 Hamilton Street  
Paterson, NJ 07505  
*LAWYER REFERRAL*: (973) 278-9223  
*LEGAL SERVICES*: (973) 345-7171

SALEM COUNTY:

John W. Cawman, Clerk  
92 Market Street, P.O. Box 18  
Salem, NJ 08079  
*LAWYER REFERRAL*: (609) 678-8363  
*LEGAL SERVICES*: (609) 451-0003

MIDDLESEX COUNTY:

Herbert P. Lashomb, Clerk  
Court House, East Wing  
Lobby Floor/P.O. Box 2633  
One Kennedy Square  
New Brunswick, NJ 08903-2633  
*LAWYER REFERRAL*: (908) 828-0053  
*LEGAL SERVICES*: (908) 249-7600

MONMOUTH COUNTY:

Jane Clayton, Clerk  
P.O. Box 1262  
Court House, East Wing  
Freehold, NJ 07728-1262  
*LAWYER REFERRAL*: (908) 431-5544  
*LEGAL SERVICES*: (908) 747-7400

GLOUCESTER COUNTY:

Joseph H. Hoffman, Clerk  
First Fl., Court House  
1 North Broad Street, P.O. Box 129  
Woodbury, NJ 08096  
*LAWYER REFERRAL:* (609) 848-4589  
*LEGAL SERVICES:* (609) 848-5360

HUDSON COUNTY:

Frank E. Rodgers, Clerk  
Superior Court, Civil Records Dept.  
Brennan Court House  
583 Newark Avenue  
Jersey City, NJ 07306  
*LAWYER REFERRAL:* (201) 798-2727  
*LEGAL SERVICES:* (201) 792-6363

HUNTERDON COUNTY:

Dorothy K. Tirpok, Clerk  
Hall of Records  
71 Main Street  
Flemington, NJ 08822  
*LAWYER REFERRAL:* (609) 788-6112  
*LEGAL SERVICES:* (609) 782-7979

MERCER COUNTY:

Albert E. Driver, Jr., Clerk  
P.O. Box 8068  
209 South Broad Street  
Trenton, NJ 08650  
*LAWYER REFERRAL:* (609) 890-6200  
*LEGAL SERVICES:* (609) 695-6249

SUSSEX COUNTY:

Helen C. Ackerman, Clerk  
Superior Court, Law Division  
49 High Street  
Newton, NJ 07860  
*LAWYER REFERRAL:* (201) 267-5882  
*LEGAL SERVICES:* (201) 383-7400

UNION COUNTY:

Walter G. Halpin, Clerk  
First Floor, Court House  
Elizabeth, NJ 07207  
*LAWYER REFERRAL:* (908) 353-4715  
*LEGAL SERVICES:* (908) 354-4340

WARREN COUNTY:

Terrance D. Lee, Clerk  
Court House  
Belvidere, NJ 07823  
*LAWYER REFERRAL:* (201) 267-5882  
*LEGAL SERVICES:* (201) 475-2010